IN THE HIGH COURT OF UTTARANCAL AT NAINIAL

WRIT PETITION NO.773 (MS) OF 2006

Dharam Pal,
S/o Shri Kundan Singh,
R/o Village-Dada Patti, Tehsil-Roorkee,
District-Haridwar. .....Petitioner.

Versus

1. State of Uttaranchal through Collector, District Haridwar.
2. Tehsildar Roorkee, Tehsil-Roorkee, District-Haridwar.
3. Punjab National Bank having its Branch Office, at imalikheda, District-Haridwar, through its Branch Manager. .....Respondents.

Dated: 21.06.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Lok Pal Singh, Advocate for the petitioner, Standing counsel for the respondents no. 1 and 2 and Sri Sharad Sharma, Advocate for the respondent no.3.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents no.1 and 2 not to attach or auction the petitioner's movable and immovable property. Further prayer has been made for a writ of mandamus commanding/directing the respondent nos. 1 and 2 to return the recovery certificate to the respondent no.3 without its execution.

Briefly stated, the petitioner took a loan from the respondent no.3 in the month of February, 2004 to purchase a Tractor and after obtaining a loan from the respondent no. 3, the petitioner purchased a Tractor, but due to some reasons, he could not repay the loan amount in time.

Petitioner has submitted that it will be convenient to him, if some easy instalments are fixed for repayment of loan amount.

In the case of ***Central Bank of India vs. Ravindra and others, AIR 2001 SC 3095*** the Apex Court has observed:

"Statement of accounts supplied by banks to borrowers many a times do not contain particular or details of debit entries and when written in hand are worse than medical prescriptions putting to test the eyes and wits of the borrowers. Instances of unscrupulous, unfair and unhealthy dealings can be multiplied though they cannot be generalized."

The bank authorities are directed to furnish the account to the petitioner.

In view of the above, respondent no. 3 is directed to permit the petitioner to repay the balanced loan amount in six equal quarterly instalments. The first instalment shall be given by 10th of July, 2006 In case of default, recovery proceedings shall be initiated against the petitioner.

Subject to the aforesaid, writ petition is disposed of.

(Rajesh Tandon, J.)

21.06.2006
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